IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.1085 OF 2003
IN
SUMMARY SUIT NO.3532 OF 2002

Bank of Maharashtra .. Plaintiff

Vs.

Shyam Chhabria .. Defendants

Mr.N.J.Devashrayee for the plaintiff

Mr.J.Raut i/b M/s.Ranjit and Co. for the defendants

CORAM : S.U.KAMDAR, J

DATED : 23RD AUGUST, 2005

P.C.:

1. The summons for judgment has been duly served on the defendant. No affidavit in reply has been filed. The summons for judgment is filed on the basis of the claim arising out of credit card issued by the plaintiffs pursuant to an application made by the defendant. The credit card has been used by the defendant including withdrawal of the cash. In the aforesaid circumstances, the present suit has been filed for the recovery of sum of Rs.2,51,693.92 with further interest on 1,87,301.92

at the rate of 12% p.a. simple rate of interest. In view of the fact that no affidavit in reply is filed, though the summons for judgment is served on the defendant, I pass the following decree.

2. There shall be a decree in favour of the plaintiff and against the defendant in the sum of Rs.2,51,693.92 alongwith interest on the principal amount of Rs.1,87,301.92 at the rate of 12% p.a. simple rate of interest. The said interest will be chargeable @ 12% p.a. Suit as well as Summons for Judgment disposed of accordingly. Refund of Court Fee as per rules. No order as to costs.